

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

| | | |
|--|---|------------------------|
| RUTH SMITH, Individually and as Widow for the |) | |
| Use and Benefit of Herself and the Next Kin of |) | |
| Richard Smith, Deceased, |) | |
| |) | |
| Plaintiff, |) | Civil No. 3:05-0444 |
| |) | Judge Aleta A. Trauger |
| v. |) | (Dist. Of MA No. |
| |) | 1:05-cv-11515PBS) |
| PFIZER, INC., <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

DEFENDANTS' MOTION *IN LIMINE*
TO EXCLUDE ANECDOTAL ADVERSE EVENT REPORTS

Defendants, Pfizer Inc and Warner-Lambert Company LLC (collectively, "Defendants" or "Pfizer"), respectfully move this Court for an order *in limine* excluding anecdotal adverse event reports. Pfizer requests that the Court preclude Plaintiff from disclosing adverse event reports to the jury. As demonstrated in the accompanying memorandum of law, adverse event reports are inadmissible hearsay under Federal Rule of Evidence 802, not within any exception to the hearsay rule, irrelevant under Rules 401 and 402, and unfairly prejudicial under Rule 403. Defendants, therefore, respectfully request this Court enter an order precluding Plaintiff from disclosing adverse event reports to the jury and granting such other relief as the Court deems just and proper.

The grounds for this motion are set forth in more detail in the accompanying memorandum of law. Also submitted in support of this motion is a Declaration of Mark S. Cheffo.

WHEREFORE, Defendants respectfully request that the Court exclude evidence of adverse event reports at trial.

Dated: April 16, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of April 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

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